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**U.S. District Court
District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:10-cv-04930-SRN-LIB**

Smith v. United States Department of Justice et al
Assigned to: Judge Susan Richard Nelson
Referred to: Magistrate Judge Leo I. Brisbois
Cause: 05:552 Freedom of Information Act

Date Filed: 12/17/2010
Date Terminated: 01/24/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Edward Lee Smith

represented by **Edward Lee Smith**
#08506-041
FPC-Duluth
P.O. Box 1000
Duluth, MN 55814
PRO SE

V.

Defendant

United States Department of Justice

represented by **Lonnie F Bryan**
United States Attorney's Office
300 S 4th St Ste 600
Mpls, MN 55415
612-664-5600
Fax: 612-664-5788
Email: lonnie.bryan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Executive Office for the United States
Attorneys**

represented by **Lonnie F Bryan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Eric Holder
U.S. Attorney General

represented by **Lonnie F Bryan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/17/2010	<u>1</u>	COMPLAINT against Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice (Filing fee \$ 350 receipt number 3007831.) assigned to Judge Patrick J. Schiltz per Fifth Division Master List and referred to Magistrate Judge Leo I. Brisbois, filed by Edward Lee Smith. (Attachments: # <u>1</u> Cover Letter) (kt) Doc QC'd on 12/20/2010 (lph). (Entered: 12/17/2010)
12/21/2010	<u>2</u>	LETTER TO CLERK'S OFFICE from Edward Lee Smith re Filing Fee. (LMB) (Entered: 12/21/2010)
01/12/2011	3	TEXT-ONLY ENTRY. CLERK'S NOTICE OF REASSIGNMENT. Due to the elevation of Judge Susan Richard Nelson, this case is reassigned to her. Judge Patrick J. Schiltz no longer assigned to the case. (JME) (Entered: 01/12/2011)
01/25/2011	<u>4</u>	ORDER The Clerk of Court shall issue Summons to Plaintiff in the above-mentioned case. Signed by Magistrate Judge Leo I. Brisbois on 01/25/2011. (jz) (Entered: 01/25/2011)
01/25/2011		Summons Issued as to Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice, U.S. Attorney and U.S. Attorney General. (jz) (Entered: 01/25/2011)
02/11/2011	<u>5</u>	LETTER TO CLERK'S OFFICE from Edward Smith requesting three additional summons. (jz) QCd on 2/16/11. (RLR) (Entered: 02/11/2011)

06/01/2011	6	ORDER Within 20 days of today's date, Plaintiff shall provide proof of service or show good cause for an extension of time to serve the Defendants. If Plaintiff fails to comply with these directives, the undersigned will recommend that this action be dismissed for failure to effect proper service and failure to prosecute. Signed by Magistrate Judge Leo I. Brisbois on 05/31/2011. (jz) (Entered: 06/01/2011)
06/17/2011	7	SUMMONS Returned Executed by Edward Lee Smith. United States Department of Justice served on 3/28/2011, answer due 4/18/2011. (JMH) Document QCd on 6/20/11. (RLR) (Entered: 06/17/2011)
07/05/2011	8	ORDER The Plaintiff is hereby ordered to: 1. Notify the Defendants that they are required to make an appearance or move for an extension of time to do so; 2. File an application for entry of default unless the required pleading is filed within 20 days; 3. Advise the Court in writing of any good cause to the contrary. Unless counsel for Plaintiff complies with this order within 30 days of today's date, this case will be dismissed for lack of prosecution. Signed by Magistrate Judge Leo I. Brisbois on 07/05/2011. (jz) (Entered: 07/05/2011)
08/04/2011	9	NOTICE of Appearance by Lonnie F Bryan on behalf of Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # 1 Certificate of Service)(Bryan, Lonnie) (Entered: 08/04/2011)
09/12/2011	10	ORDER The Defendant IS HEREBY ORDERED TO: 1. File an Answer to the Complaint or otherwise bring a properly filed motion to dismiss within 30 days from the issuance of this order. Signed by Magistrate Judge Leo I. Brisbois on 09/12/2011. (jz) (Entered: 09/12/2011)
10/12/2011	11	RESPONSE re 10 Order filed by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # 1 LR7.1 Word Count Compliance Certificate)(Bryan, Lonnie) (Entered: 10/12/2011)
10/12/2011	12	DECLARATION of David Luczynski re 11 Response by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice . (Attachments: # 1 Exhibit(s) A)(Bryan, Lonnie) (Entered: 10/12/2011)
10/12/2011	13	CERTIFICATE OF SERVICE by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice re 12 Declaration, 11 Response (Bryan, Lonnie) (Entered: 10/12/2011)
10/13/2011	14	NOTICE of Change of Address for Edward Lee Smith. (MMP) Document QCd on 11/1/11. (RLR) (Entered: 10/13/2011)

10/20/2011	<u>1</u> <u>5</u>	ORDER 1. File an Answer to the Complaint or otherwise bring a properly filed motion to dismiss within 14 days from the issuance of this order. Signed by Magistrate Judge Leo I. Brisbois on 10/20/2011. (jz) CC: Edward Lee Smith. Modified text on 10/20/2011 (jz). (Entered: 10/20/2011)
10/27/2011	<u>1</u> <u>6</u>	MOTION to Dismiss for Lack of Jurisdiction by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Bryan, Lonnie) (Entered: 10/27/2011)
10/27/2011	<u>1</u> <u>7</u>	MEMORANDUM in Support re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction filed by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate) (Bryan, Lonnie) (Entered: 10/27/2011)
10/27/2011	<u>1</u> <u>8</u>	CERTIFICATE OF SERVICE by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice re <u>16</u> MOTION to Dismiss for Lack of Jurisdiction , <u>17</u> Memorandum in Support of Motion, . (Bryan, Lonnie) (Entered: 10/27/2011)
11/02/2011	<u>1</u> <u>9</u>	ORDER REFERRING <u>16</u> MOTION to Dismiss for Lack of Jurisdiction to Magistrate Judge Leo I. Brisbois. Signed by Judge Susan Richard Nelson on 11/2/11. (LPH) cc: Edward Lee Smith. (RLR) (Entered: 11/02/2011)
11/03/2011	<u>2</u> <u>0</u>	ORDER 1. That the Plaintiff shall have thirty days from the date of this order to file a response to Defendant's Motion to Dismiss. 2. The Defendant shall have thirty days from the Defendant's response to file a reply. Signed by Magistrate Judge Leo I. Brisbois on 11/03/2011. (jz) CC: Edward Lee Smith. Modified text on 11/3/2011 (jz). (Entered: 11/03/2011)
11/16/2011	<u>2</u> <u>1</u>	Verified Motion for Order Directing Clerk to Provide Plaintiff with Additional Summons, and for leave to Serve Summons Out of Time. by Edward Lee Smith. (MMP) (Entered: 11/16/2011)
11/22/2011	<u>2</u> <u>2</u>	RESPONSE in Opposition re <u>21</u> MOTION filed by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate, # <u>2</u> Certificate of Service)(Bryan, Lonnie) (Entered: 11/22/2011)
11/22/2011	<u>2</u> <u>3</u>	ORDER: 1. The Plaintiffs Verified Motion for Order Directing Clerk to Provide Plaintiff with Additional Summons, and for Leave to Serve Summons [Docket No. 21] is GRANTED. 2. The Clerk of Court shall issue 3 Summons to the Plaintiff in the above-mentioned case. 3. The Plaintiff shall have 30 days to properly serve the Defendant. Signed by Magistrate Judge Leo I. Brisbois on 11/22/2011. (MMP) cc: Edward Lee Smith on 11/22/2011 (MMP). (Entered: 11/22/2011)

11/22/2011		Summons Reissued as to Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (MMP) (Entered: 11/22/2011)
12/01/2011	2 4	Plaintiff's Motion for Order Directing Clerk to Issue Subpoenas by Edward Lee Smith. (MMP) (qc'd on 12/14/11 by akl) (Entered: 12/05/2011)
12/01/2011	2 5	DECLARATION of Antonette D. McHie re 24 MOTION by Edward Lee Smith. (MMP) (qc'd on 12/14/11 by akl) (Entered: 12/05/2011)
12/01/2011	2 6	CERTIFICATE OF SERVICE by Edward Lee Smith re 25 Declaration, 24 MOTION filed by Edward Lee Smith. (MMP) (qc'd on 12/14/11 by akl) (Entered: 12/05/2011)
12/01/2011	2 7	Plaintiff's Response to Defendants' Motion to Dismiss filed by Edward Smith.(MMP) (qc'd on 12/14/11 by akl) (Entered: 12/05/2011)
12/12/2011	2 8	ORDER: 1. The Plaintiff's Motion for Order Directing Clerk to Issue Subpoenas Docket No. 24 is DENIED. Signed by Magistrate Judge Leo I. Brisbois on 12/12/2011. (MMP) CC: Edward Lee Smith on 12/12/2011 (mmp). (Entered: 12/12/2011)
01/05/2012	2 9	REPLY re 16 MOTION to Dismiss for Lack of Jurisdiction , 27 Response filed by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # 1 LR7.1 Word Count Compliance Certificate) (Bryan, Lonnie) (Entered: 01/05/2012)
01/05/2012	3 0	CERTIFICATE OF SERVICE by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice re 29 Reply, (Bryan, Lonnie) (Entered: 01/05/2012)
01/05/2012	3 1	MOTION to Dismiss for Lack of Jurisdiction <i>or</i> , MOTION for Summary Judgment by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Bryan, Lonnie) (Entered: 01/05/2012)
01/05/2012	3 2	MEMORANDUM in Support re 31 MOTION to Dismiss for Lack of Jurisdiction <i>or</i> MOTION for Summary Judgment filed by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # 1 LR7.1 Word Count Compliance Certificate)(Bryan, Lonnie) (Entered: 01/05/2012)
01/05/2012	3 3	Declaration of David Luczynski in Support of 31 MOTION to Dismiss for Lack of Jurisdiction <i>or</i> MOTION for Summary Judgment filed by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # 1 Exhibit A, # 2 Exhibits B - F, # 3 Exhibit G)(Bryan, Lonnie) (Entered: 01/05/2012)

01/05/2012	3 4	CERTIFICATE OF SERVICE by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice re 31 MOTION to Dismiss for Lack of Jurisdiction <i>or</i> MOTION for Summary Judgment , 33 Declaration in Support, 32 Memorandum in Support of Motion, (Bryan, Lonnie) (Entered: 01/05/2012)
01/10/2012	3 5	MOTION for Enlargement of Time to Perfect Service Nunc Pro Tunc by Edward Lee Smith. (MMP) (Entered: 01/10/2012)
01/10/2012	3 6	DECLARATION of Brandon Sample filed by Edward Lee Smith. (MMP) (Entered: 01/10/2012)
01/12/2012	3 7	ORDER: 1. The Plaintiff's shall have until December 28, 2011 to serve the Defendants. Signed by Magistrate Judge Leo I. Brisbois on 01/12/2012. (MMP) cc: Edward Lee Smith on 1/12/2012 (MMP). (Entered: 01/12/2012)
01/18/2012	3 8	DOCUMENT FILED IN ERROR-WILL REFILE MOTION FOR VOLUNTARY DISMISSAL by Edward Lee Smith. ATTACHMENTS FILED IN ERROR IN INCORRECT CASE WILL REFILE IN CORRECT CASE(Attachments: # 1 Citation of Supplemental Authorities, # 2 Certificate of Service)(MMP) Modified TEXT on 1/19/2012 (MMP). (Entered: 01/19/2012)
01/18/2012	3 9	MOTION FOR VOLUNTARY DISMISSAL filed by by Edward Lee Smith. (MMP) (Entered: 01/19/2012)
01/20/2012	4 0	STIPULATION of Dismissal by Executive Office for the United States Attorneys, Eric Holder, United States Department of Justice. (Attachments: # 1 Certificate of Service)(Bryan, Lonnie) (Entered: 01/20/2012)
01/24/2012	4 1	ORDER DISMISSING CASE. Signed by Judge Susan Richard Nelson on 1/20/12. (LPH) (Entered: 01/24/2012)

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